

## Message Text

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INFO OCT-01 SS-14 ISO-00 L-01 OES-02 SP-02 PM-03 NSC-05

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DRAFTED BY EUR/NE:DJDONCHI:NLS

APPROVED BY EUR - MR. HARTMAN

EUR/NE - JJCROWLEY, JR.

C - RHOPPER

L/OES - TLEITZELL

EUR/SOV - DHERSPRING

EUR/CE - GHUMPHREY

S/S - O: A. OTTO

S/P - SVOGELSANG

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FM SECSTATE WASHDC

TO AMEMBASSY BONN

AMEMBASSY OSLO

S E C R E T STATE 225432

LIMDIS

E.O. 11652:GDS

TAGS: PFOR, NO, GW

SUBJECT: GERMAN SVALBARD POLICY

REFS: (A) OSLO 4220; (B) STATE 139436; (C) STATE 114779

(NOTAL)

1. SUMMARY:

THIS MESSAGE TRANSMITS DEPARTMENT'S PRELIMINARY REACTION TO  
PROPOSAL OF FRG DCM IN OSLO FOR GERMAN SVALBARD POLICY.

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TO ACHIEVE MAXIMUM IMPACT AS WELL AS OBTAIN ACCURATE READ-

ING OF GERMAN THINKING, DEPARTMENT BELIEVES BONN IS APPROPRIATE POINT OF CONTACT. END SUMMARY.

2. AS NATO ALLY AND SPITZBERGEN TREATY SIGNATORY, GERMAN ATTITUDES TOWARD SVALBARD ARE IMPORTANT TO U.S. AND MUST OBVIOUSLY BE FACTORED IN TO OUR OWN POLICY CONSIDERATIONS. NO AGREEMENT ON RIGHTS OR ACCESS TO SVALBARD CONTINENTAL SHELF RESOURCES CAN EVOLVE IN THE FACE OF GERMAN OPPOSITION. MOREOVER THE EXISTENCE OF A COMMON ALLIED APPROACH WOULD GREATLY ENHANCE THE PROSPECT OF ACHIEVING PRIMARY U.S. POLITICAL/STRATEGIC OBJECTIVES. THUS THE PROPOSAL OF GERMAN MINISTER IN OSLO KARL WAND (REF A) DESERVES CLOSE ATTENTION.

3. IN ADDITION TO POLICY QUESTIONS, THERE IS NON-SUBSTANTIVE ISSUE OF WHETHER WAND IN FACT REFLECTS THE THINKING OF THE FRG FOREIGN OFFICE. RE SUBSTANCE, WAND'S SVALBARD RECOMMENDATIONS DIFFER SUBSTANTIALLY FROM CURRENT U.S. POLICY. THIS MESSAGE WILL COMMUNICATE DEPARTMENT'S PRELIMINARY REACTION TO WAND'S IDEAS BUT THROUGH BONN (THE MORE APPROPRIATE POINT FOR SUCH CONSULTATIONS) WHERE WE HOPE TO GAIN A CLEARER PICTURE OF PRESENT GERMAN THINKING.

4. FYI: WE NOTE THAT WAND APPEARS TO MAKE AN UNUSUAL AND IN OUR MIND UNIQUE INTERPRETATION OF AREA DEFINED IN ARTICLE ONE OF TREATY (BETWEEN 10 DEGREES AND 35 DEGREES EAST LONGITUDE AND 74 DEGREES AND 81 DEGREES NORTH LATITUDE). HE APPARENTLY CONCLUDES THAT ENTIRE AREA WITHIN COORDINATES IS COVERED BY TREATY. HOWEVER, ARTICLE ONE OF THE TREATY REFERS TO "THE ARCHIPELAGO OF SPITZBERGEN, WITH BEAR ISLAND AND ALL ISLANDS SITUATED" WITHIN THE COORDINATES. ARTICLE TWO SPECIFICALLY REFERS BACK TO "SAID REGIONS AND THEIR TERRITORIAL WATERS," NOT THE ENTIRE AREA BETWEEN THE COORDINATES. WAND IS CLEARLY TALKING ABOUT EXPLOITING RESOURCES ON THE SHELF -- ALL RESOURCES LIVING AND DEAD ON AND UNDER WATERS -- WHICH HAPPEN TO FALL WITHIN COORDINATES MENTIONED IN THE TREATY. THEREFORE OUR REACTION TO WAND'S PROPOSAL DOES NOT ADDRESS ANY LEGAL OR OTHER QUESTION WHICH MAY STEM FROM WAND'S INTERPRETATION OF "TREATY AREA" SINCE THE BROADER POLICY ISSUES RE SVALBARD AND SHELF

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EXPLOITATION STILL APPLY. END FYI.

5. PRESENT US POLICY TOWARDS SVALBARD REMAINS ESSENTIALLY AS SET FORTH IN OUR MAY 1976 AIDE MEMOIRE TO THE NORWEGIANS (REF C) COPIES OF WHICH WERE ALSO MADE AVAILABLE TO GERMANS, BRITISH AND FRENCH (REF B). WAND'S EMPHASIS, APPROACH AND ANALYSIS RUN COUNTER TO U.S. POLICY AND CONTAIN ELEMENTS OF POTENTIAL DAMAGE TO U.S. INTERESTS IN THE NORTHERN AREA.

FOLLOWING POINTS ADDRESS SPECIFIC PROBLEMS WE SEE IN WAND PROPOSAL:

A) IN ADVOCATING EXTENSION OF TREATY PROVISIONS TO A PORTION OF SVALBARD SHELF, WAND DIRECTLY CONTRAVENES NORWEGIAN POLICY. THE U.S. POSITION IS TO SUPPORT OUR NORWEGIAN ALLY VIS A VIS THE SOVIET UNION, POSTPONE RATHER THAN PRECIPITATE COMPLEX LEGAL CONFRONTATION AND TRY TO WORK OUT MODUS VIVENDI ON EXPLOITATION OF SHELF RESOURCES AMONG MAJOR SIGNATORIES INCLUDING USSR. THROUGH THIS APPROACH, WE HOPE TO PREVENT SOVIET ENCROACHMENT WITHOUT FORECLOSING ON ECONOMIC OPTIONS WE MAY WISH TO EXERCISE IN FUTURE.

B) TO PURSUE WAND'S COURSE OF ACTION WOULD PROBABLY SEND NORWAY TO THE ICJ WHERE NORWEGIANS STAND A FAIR CHANCE OF WINNING THEIR CASE -- I.E. THAT ALL SHELF RESOURCES ARE EXCLUSIVELY NORWEGIAN AND TREATY PROVISIONS DO NOT APPLY. EVEN IN THE EVENT OF A CONTRARY ICJ DECISION, NORWAY HAS INDICATED IT MIGHT INVOKE HER UNDISPUTED RIGHT TO REGULATE ENVIRONMENTAL ASPECTS IN A LEGAL EFFORT TO PREVENT SIGNATORY ACCESS TO SHELF RESOURCES.

C) RATHER THAN RELAX SOVIETS AS WAND CLAIMS, EXTENSION OF TREATY RIGHTS MAY CREATE "KLONDIKE ATMOSPHERE" FEARED BY SOVIETS AND NORWEGIANS ALIKE, FURTHER INCREASING SOVIET PARANOIA AND SUSPICION. U.S. POLICY IS TO KEEP TENSIONS LOW IN REGION, NOT TO INTRODUCE DESTABILIZING FACTORS.

D) GIVEN WAND'S PROPOSED EXTENSION OF SPITZBERGEN TREATY, DEMILITARIZATION PROVISIONS WOULD APPLY AND SOVIET UNION'S INTERPRETATION OF WHAT CONSTITUTES A VIOLATION OF THOSE PROVISIONS -- E.G. PASSIVE DETECTION DEVICES -- WOULD ALMOST CERTAINLY DIFFER FROM OUR OWN.

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E) WAND'S PROPOSAL WOULD ALSO GRANT USSR AND WARSAW PACT NATIONS TREATY RIGHTS IN AN AREA WHERE THEY DO NOT NOW HAVE THEM.

F) EARLY SQUABBLES AMONG SIGNATORIES ANXIOUS TO EXPLOIT SHELF RESOURCES ON A "FIRST COME" BASIS COULD ENSUE.

G) WAND FAILS TO CONSIDER THE TOTALITY OF NORWEGIAN NATIONAL INTEREST AND NORWAY'S VERY GENUINE CONCERN OVER DESTABILIZING EFFECT OF SUDDEN SURGE OF FOREIGN ECONOMIC ACTIVITY IN REGION. EVER SINCE SOBERING EXPERIENCE OF FIVE-YEAR OCCUPATION DURING WORLD WAR II, NORWEGIANS CAREFULLY WEIGH AND INTRODUCE SECURITY IMPLICATIONS INTO FOREIGN POLICY FORMULATION AT EARLY STAGE. SUCH IS THE CASE WITH NORWE-

GIAN SVALBARD POLICY.

6. FOR BONN:

DEPARTMENT BELIEVES IT WOULD BE USEFUL TO SOUND OUT POLITICAL DIRECTOR VAN WELL OR AT EMBASSY'S DISCRETION SOMEONE CLOSE TO HIM ON SVALBARD MATTER TO DETERMINE HOW WAND'S VIEWS ARE BEING RECEIVED. ACCORDINGLY, YOU ARE AUTHORIZED TO MAKE LOW KEY CONTACT AS APPROPRIATE TO ASCERTAIN STATUS OF FRG INTERAGENCY EFFORTS TO FORMULATE SVALBARD POLICY. YOU ARE ALSO AUTHORIZED TO SAY THAT USG VIEWS HAVE BEEN SOLICITED VIA FRG'S EMBASSY IN OSLO AND, DRAWING ON POINTS

PARA 5 ABOVE, COMMUNICATE OUR PRELIMINARY REACTION TO WAND'S PROPOSAL. YOU SHOULD REASSURE MINISTRY THAT WE ATTACH GREAT IMPORTANCE TO CONSULTATIONS WITH FRG ON THIS ISSUE AND ARE FULLY AWARE OF HIGH PRIORITY GERMAN GOVERNMENT ATTACHES TO SPECIFIC QUESTION OF FISHING RIGHTS ON SVALBARD SHELF.

7. FOR OSLO:

PLEASE ADVISE WAND THAT WE HAVE CONSIDERED HIS PROPOSAL AND ARE IN PROCESS OF COMMUNICATING OUR PRELIMINARY VIEWS DIRECTLY TO FRG FOREIGN OFFICE IN BONN. AT YOUR DISCRETION, YOU MAY PASS ON GIST OF OUR SUBSTANTIVE COMMENTS OUTLINED  
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## Message Attributes

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